

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/4/2021

In re:

03-MD-1570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

ORDER

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SARAH NETBURN, United States Magistrate Judge:

The Court will conduct a hearing regarding the breach of the protective orders by Kreindler & Kreindler. The hearing will be held on Thursday, October 21, 2021 (and if necessary, Friday, October 22), and will be conducted in-person in a COVID-compliant courtroom. The hearing will begin promptly at 10:00 a.m. in a courtroom to be determined.

The purpose of the hearing is to render findings of fact in connection with the breach and to determine the appropriate remedies. Such remedies may include, among other possible remedies, removal from the Plaintiffs' Executive Committees, monetary sanctions, a referral for professional discipline to the Committee on Grievances for the Southern District of New York, and a criminal referral to the U.S. Attorney's Office for the Southern District of New York. Following the hearing, the Court will solicit from the parties proposed findings of fact and recommendations on appropriate remedies.

The following witnesses are ORDERED to appear:

1. James P. Kreindler
2. Andrew J. Maloney III
3. Megan Wolfe Benett
4. Steven R. Pounian
5. John Hartney

6. John Fawcett

These witnesses are ORDERED not to discuss further the issues within the scope of this hearing with any member, employee, or consultant of Kreindler & Kreindler, including during the hearing.

The Court will admit the witnesses' previously filed declarations as their direct testimony. Lawyers for the Kingdom of Saudi Arabia will be permitted to cross-examine the witnesses but shall not be limited in scope by their direct testimony. Kreindler & Kreindler will be permitted to conduct a re-direct examination following the cross-examination.

If a party believes additional witnesses should be called to testify, such party must identify the witness and the subject matter for his or her testimony by October 12, 2021.

Kreindler & Kreindler is ORDERED to deliver to the Court the laptop used by Fawcett to transmit the deposition transcript to Michael Isikoff, along with any passwords to access the laptop. If the Court determines that it is necessary, it may conduct an independent forensic evaluation of the laptop at the expense of Kreindler & Kreindler. Kreindler & Kreindler is again reminded that it is a violation of this Court's orders to destroy or tamper with evidence in this manner. The laptop shall be delivered to the Courthouse by Tuesday, October 5, 2021. The Court will maintain the laptop in a secured location.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
October 4, 2021